

**Notice of Allowability**

Application No.

10/627,007

Examiner

James S. Ketter

Applicant(s)

GOTTESMAN ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview conducted on 10 April 2006.
2. ☒ The allowed claim(s) is/are 6.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in the interview held 10 April 2006 with Nancy Vensko, attorney of record, and Susan Gottesman, inventor.

The application has been amended as follows:

In the specification:

At page 37, in paragraph [0090], line 3 of the paragraph,

“(www.ncbi.nlm.nih.gov/Microb\_blast/unfinishedgenome.html)” has been deleted and -- (Worldwide Web at ncbi.nlm.nih.gov/Microb\_blast/unfinishedgenome.html)-- inserted.

At page 37, in paragraph [0090], line 6 of the paragraph,

“(www.salmonella.org)” has been deleted and --(Worldwide Web at salmonella.org)-- inserted.

At page 38, in paragraph [0091], line 12 of the paragraph,

“(http://genolist.pasteur.fr/Colibri)” has been deleted and -- (using http:// for genolist.pasteur.fr/Colibri)-- inserted.

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In the claims:

Claim 6. (Amended) An isolated polynucleotide comprising Candidate #25 having SEQ ID NO:5, or its complement, or ~~its homolog~~ a polynucleotide having at least about 95% identity thereto and having a function of binding Hfq, wherein said polynucleotide is separated from flanking genes yhhX and yhhY.

Claims 1-5 and 7-56 have been cancelled.

This application is in condition for allowance except for the presence of claims 1-5 and 7-56 directed to an invention non-elected without traverse. Accordingly, claims 1-5 and 7-56 have been cancelled.

Support for the phrase “wherein said polynucleotide is separated from flanking genes yhhX and yhhY” is founded in the description of the locus surrounding the gene represented by SEQ ID NO:5 (Candidate #25), at Table 1, page 19 of the specification, which shows that yhhX and yhhY naturally immediately flank and therefore accompany the gene represented by SEQ ID NO:5, taken in view of the language at page 14, paragraph [0034], “The terms “isolated”...describe[s] a polypeptide, or polynucleotide which has been separated from components which naturally accompany it.” As such, the addition of this language to the claims is supported by the disclosure as originally filed.

Any inquiry concerning this communication or earlier communications from the Examiner with respect to the examination on the merits should be directed to James Ketter whose telephone number is (571) 272-0770. The Examiner normally can be reached on M-F (9:00-6:30), with alternate Fridays off.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Remy Yucel, can be reached at (571) 272-0781.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.


Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also

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enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Jsk  
April 12, 2006



**JAMES KETTER**  
**PRIMARY EXAMINER**